

REMARKS/ARGUMENTS

I. Restriction of claims

Applicant elects with traverse to prosecute the claims of Group III (claims 34-39), drawn to methods of delivering a diagnostic agent. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that examination of the claims in Groups I, II, and III would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

II. Species Election

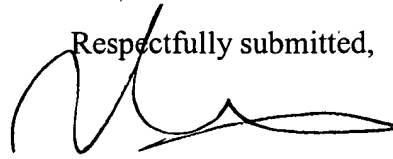
With regard to the species request on the bottom of page 8 of the office action, Applicants elect a species wherein the delivery vehicle is an adenovirus. Claims 34-39 read on the elected species. Applicants request that upon allowance of the claims, the Examiner consider rejoinder of withdrawn species if they are embraced by the allowed generic claims pursuant to MPEP § 809.03(c)(B).

Appl. No. 10/646,060
Amdt. dated November 15, 2005
Reply to Office Action of May 16, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew E. Hinsch', with a stylized, flowing script.

Matthew E. Hinsch
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